

USSN 10/780,615
Art Unit 3736
Examiner Rene Towa

REMARKS**Claims 1-15 are objected to.**

The claims are amended to satisfy the examiner's concerns as follows:

The term "response" rather than "acoustic response" has now been used consistently in claims 1, 6, 9 and 14.

In claims 1, 8 and 13, the missing step required by the examiner has been included.

In claim 6, the suggestion by the examiner is adopted. The examiner referred to claim 5, but it is clear that claim 6 was intended to be referred to.

In claim 7, clarification has been added, and also in claim 18.

In claim 9, the suggestion of the examiner is adopted.

In addition, the dependencies of claims 3 and 4 are changed. Claim 5 is cancelled as redundant in view of the change of dependency of claim 4. A consequential amendment is made to claim 9.

Claim 20 is amended to depend on only one claim.

The examiner rejected claims 1-5, 9, 11, 12, 15, 16 and 20 under 35 USC 102(b) as being anticipated by John. Applicants respectfully traverse this rejection.

John does not disclose either steps B or C of claim 1 or elements C or D of claim 16. While the examiner cites many portions of John, none disclose either steps B or C of claim 1, or elements C or D of claim 16, as indicated in the following portions of John cited by the the examiner, referring to the citations by column and pages:

3, 55-60 mentions power spectra

4,35-42 compares power spectra to norms and mentions power spectra ratios indifferent bands

6,50-62 references power spectra and various processing of brain waves

8,27-45 references low pass and high pass channels

8,55-63 computes power spectra of various frequencies

9,16-28 computes ratio of power responsive to auditory stimulation F1 to power

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responsive to somatosensory stimulation F2

9,30-47 computes ratio of F_{stim} to $F_{average}$, where the average power is found at windows above and below the stimulation frequencies

10, 61-65 and 13, 2-5 comparison to norms

12, 28-42 and 45-51 tracking of a ratio of power under stimulation to power without stimulation at a number of frequency bands

Nothing here discloses or suggests "combining transforms of each of plural subsets of the complete set of frequencies". Since John does not disclose the claim elements of either claims 1 or 16, none of the claims are anticipated.

The examiner rejected claims 1-20 under 35 USC 103(a) as being unpatentable over Don in view of DeVito. Applicants respectfully traverse this rejection.

Don is irrelevant at least for the reasons given by the examiner. De Vito fails to disclose the missing teaching, and fails for example to disclose either steps B or C of claim 1 or elements C or D of claim 16 as indicated in the following portions of De Vito cited by the examiner, referring to the citations by column and pages.

6, 62-67 references performing an FFT

7, 3-4, 11-13 states that FFT well known and specifies FFT length

7,65 -8,3 refers to computation of FFT

9, 4-10 this is a definition of total power: sum of all coefficient magnitudes within the frequency spectrum of interest

9,15-20 power in each band may be calculated

9, 25-29 power in each band is related to the spectrum power

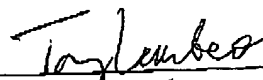
None of this discloses or suggests combining the power spectra of different bands, or comparing the resulting combination with the power spectrum of the whole band. De Vito is irrelevant. Since the combined references cannot yield the invention, they cannot render the invention unpatentable.

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The examiner rejected claims 6-8, 10, 13, 14, 17 and 19 under 35 USC 103(a) as being unpatentable over John in view of Don. Applicants respectfully traverse this rejection for the reasons given above in respect of John, and also that Don is irrelevant for at least the reasons given by the examiner.

Respectfully submitted,



Anthony R. Lambert
Registration No. 32,813
Customer No. 020212
Telephone: 780.448.7326
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